

Carlos Hernández
Mayor

Isis Garcia-Martinez
Council President

Luis González
Council Vice President



Council Members
Jose F. Caragol
Vivian Casáls-Muñoz
Katharine E. Cue-Fuente
Paul B. Hernández
Lourdes Lozano

City Council Agenda October 28, 2014 7:00 P.M.

Call to Order

Roll Call

Invocation given by Marbelys Fatjo, Acting City Clerk

Pledge of Allegiance led by Councilwoman Katharine Cue-Fuente

Meeting Guidelines

The following guidelines have been established by the City Council:

- **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**
- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.
- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.

Presentations –

- Papa John's representatives, District Manager George Cruz and Local Store Marketing Coordinator Jackie Gonzalez-Cuba, host a Check Presentation in the total amount of \$75,000 to the City of Hialeah as revenues generated in benefit of the PJHialeah, a fundraising campaign of the partnership between the City of Hialeah and Papa John's Pizza.
1. Announcement of Amendments/Corrections to the Agenda – **The applicant's representative of PZ 1 has not received the final plans from the architect, and therefore has requested that the item be continued until the Council Meeting of November 25, 2014.**

2. Consent Agenda

All items listed with letter designations are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember, the Mayor or a resident so requests, in which case the item will be removed from the consent agenda and considered along with the regular order of business.

- A. Request permission to approve the Summary Agenda/Minutes of the City of Hialeah Council Meeting held on October 14, 2014. (OFFICE OF THE CITY CLERK)
- B. Proposed resolution repealing and rescinding Hialeah, Fla., Resolution 12-06 (Feb. 2, 2012). (ADMINISTRATION)

The Historic Preservation Board approved to repeal and rescind the street naming of "Banah Sweet Way" on October 15, 2014, and adopted Resolution of the Hialeah Historic Board No. 14-06.

- C. Proposed resolution approving a Maintenance Agreement with Schindler Elevator Corporation, to provide all services generally required to maintain building elevators safe and in good working order, including customer support, for the elevators at the 72-Unit Elderly Housing Project, located at 275 Palm Avenue, Hialeah, Florida, 33010, for a term commencing on October 7, 2014 through September 30, 2016, in an annual amount not to exceed \$3,336.00, payable in equal monthly installments of \$278.00, and authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to execute the Services Agreement attached hereto and made a part hereof as Exhibit "1". (CONSTRUCTION & MAINTENANCE DEPT.)
- D. Proposed resolution authorizing the Mayor and City Clerk, as attesting witness, on behalf of the City of Hialeah, Florida, to enter into contract with Florida Housing Coalition, Inc., a Florida Corporation, to perform an assessment and provide technical assistance for the City of Hialeah programs (CDBG, HOME, CHDO, SHIP, ESG) and for other related federally-funded projects, including technical assistance, in an amount not to exceed the sum of sixty thousand (\$60,000) dollars and to allow the City of Hialeah the option to renew the contract for two consecutive years. (DEPT. OF GRANTS & HUMAN SERVICES)
- E. Proposed resolution approving and adopting the Department of Parks and Recreation's Master Plan as of October 1, 2014, a copy of which is attached as Exhibit 1, and requesting that the Miami-Dade Board of County Commissioners modify the project descriptions for the Building Better Communities General Obligation Bond Program to Renovations and Construction of Recreational Centers, Athletic Facilities and Pool Improvements. (DEPT. OF GRANTS & HUMAN SERVICES)
- F. Proposed resolution authorizing the Mayor or his designee on behalf of the City of Hialeah, Florida, to enter into an agreement with Franco Government Relations, Inc., in the total amount of \$50,000.00, payable in equal monthly installments of \$4,166.67 as provided by agreement, for one year, commencing on October 1, 2014 and ending on September 30, 2015, to assist the City in identifying and securing additional federal

resources, in a form acceptable to the City Attorney. (DEPT. OF GRANTS & HUMAN SERVICES)

- G. Request permission to issue a purchase order to the law firm of Hawkins, Delafield & Wood, LLP, for costs to be paid in association with outstanding invoices from the 2014 fiscal year and upcoming 2015 fiscal year invoices, in connection with legal representation for the design/construction/operation of the Reverse Osmosis Water Treatment Plant, including, but not limited to, post-contract issues that have arisen during the completion of the construction phase of the Reverse Osmosis Water Treatment Plant, in a total cumulative amount not to exceed \$16,344. (LAW DEPT.)
 - H. Request permission to award Hialeah Bid # 2014/15-3130-00-004 – *Athletic Equipment/Parks & Recreation* and issue a purchase order to the following vendors: S & S Worldwide, Inc.; All American Sports Corporation; BSN Sports, Inc.; Hat World, Inc. d/b/a Anaconda Sports; Pyramid School Products & Design; and Zipp Sporting Goods Inc, lowest responsive bidders on one or more items, to purchase athletic equipment in fiscal year 2014-2015, in a total cumulative amount not to exceed \$35,832. (PARKS AND RECREATION DEPT.)
 - I. Request permission to waive competitive bidding, since it is advantageous to the City, and renew the agreement with Action Cleaning Services A P Corp, for city-wide general janitorial services for a period of two years commencing on October 1, 2014 and ending on September 30, 2016, in a total cumulative amount not to exceed \$363,289.80 per year. (CONSTRUCTION AND MAINTENANCE DEPT.)
3. First reading of proposed ordinance amending Chapter 98 entitled “Zoning” of the Code of Ordinances and in particular amending Hialeah Code § 98-2122 entitled “Electric Fences” creating an exception from the prohibition for property in districts zoned Industrial (M); providing for height, a perimeter non-electrically charged fence surrounding the electric fence, warning signs and other restrictions applicable to electric fences; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for a severability clause; and providing for an effective date. (ADMINISTRATION)

<i>Item was withdrawn from the City Council Meeting agenda of October 14, 2014.</i>
<i>Item was approved by the Planning and Zoning Board on October 8, 2014.</i>

- 4. First reading of proposed ordinance amending Chapter 70 entitled “Retirement and Pension”, Article IV. Employees General Retirement System, Division 1. generally of the Code of Ordinances and in particular, revising Hialeah Code § 70-204 entitled “Termination Of Membership; Effect of Reemployment” to allow for retroactive application of the right to restoration of credited service upon reemployment within ten years from the date of severance to any member reemployed on or after January 1, 2012; repealing all ordinances in conflict herewith; providing for penalties; providing for inclusion in the code; providing for a severability clause and providing for an effective date. (ADMINISTRATION)

5. License suspension/revocation hearing pursuant to Section 86-57(b) of the Hialeah Code. The Licensing Administrator, Ruben Suarez, has determined that licensee, The Music Store Latin Coffee, located at 86 West 29 Street, Hialeah, Florida 33013, has engaged or is engaging in conduct warranting the suspension or revocation of its business tax receipt. (LICENSE DIV.) *Registered Lobbyist: Luciano Isla, Esq.*
6. Board Appointments -
7. Unfinished Business -
8. New Business – **Reminder: The next Council Meeting will be held on Thursday, November 13, 2014.**
9. Comments and Questions

Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision item.

Attention Applicants: Items approved by the City Council are subject to the Mayor’s approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor’s signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

ZONING

PZ 1. Second reading and public hearing of proposed ordinance rezoning property from R-1 (One Family Residential District) to R-2 (One and Two Family Residential District) and granting a Variance Permit to allow a lot coverage of 32.6%, where a maximum of 30% is allowed, contra to Hialeah Code §§ 98-2056(b)(2). **Property located at 355 West 13 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Ceasar Mestre, Esq.; Registered Lobbyist: Ceasar Mestre, Esq.*)

<i>Item was continued, per the applicant’s request, during the City Council meeting of August 12, 2014.</i>
<i>Item was approved by the City Council during first reading on June 24, 2014.</i>
<i>Item was approved by the Planning and Zoning Board on June 11, 2014.</i>

PZ 2. Second reading and public hearing of proposed ordinance rezoning Block 36B, of Amended Plat of the Amended Plat of Thirteenth Addition to Hialeah, as recorded in Plat Book 34, at Page 26, of the Public Records of Miami-Dade County, from the existing zoning districts of R-3 (Multiple Family District), P (Parking) and C-1 (Restricted Retail Commercial) to C-2 (Liberal Retail Commercial District) and granting a Variance Permit to

allow four stories and a total height of 84 feet to the parapet line of the penthouse, where a maximum of three stories and a total height of 40 feet to the parapet line is allowed, and allow a 2 foot landscape buffer along East 25 Street, where a 7-foot landscape buffer is required, contra to Hialeah Code §§ 98-1119 and 98-2197. **Property located at the northwest corner of the intersection of East 25 Street and East 5 Avenue bounded to the north by East 26 Street and the west by East 4 Avenue, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Leon Medical Centers, Inc.; Registered Lobbyist: Melissa Tapanes Llahues*)

<i>Approved by the City Council during first reading on October 14, 2014</i>
<i>Approved by the Planning and Zoning Board on October 8, 2014.</i>

PZ 3. Second reading and public hearing of proposed ordinance granting a Variance Permit to allow one duplex on each of two substandard lots, the first lot having a frontage of 42.50 feet, where at least 75 feet are required, and an area of 5,197 square feet, where at least 7,500 square feet are required, a front and rear setback of 20 feet, where 25 feet are required, an interior side setback of 5.1 feet, where 7.5 feet are required, a corner side setback of 5.1 feet, where 15 feet are required, and a lot coverage of 40%, where a maximum of 30% is allowed, and the second lot having a frontage of 50 feet, where at least 75 feet are required, and an area of 6,115 square feet, where at least 7,500 square feet are required, a rear setback of 20 feet, where 25 feet are required, and east side setback of 5.1 feet, where 7.5 feet are required, and a lot coverage of 39.2%, where a maximum of 30% is allowed, contra to Hialeah Code §§ 98-544, 98-545, 98-546, 98-547 and 98-2056(b). **Property located at 568 West 22 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: ICON Investments Properties, Inc.; Registered Lobbyist: Carlos A. Manrique*)

<i>Approved by the City Council during first reading on October 14, 2014</i>
<i>Approved by the Planning and Zoning Board on October 8, 2014.</i>

PZ 4. Second reading and public hearing of proposed ordinance granting a Special Use Permit (SUP) to allow the operation of a Metal Recycling Facility on property zoned M-1 (Industrial District). **Property located at 4925-4930 East 11 Avenue, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Lazaro Magua*)

<i>Approved by the City Council during first reading on October 14, 2014</i>
<i>Approved by the Planning and Zoning Board on October 8, 2014.</i>

PZ 5. First reading of proposed ordinance granting a Conditional Use Permit (CUP) to allow a beauty school (vocational school) with a total maximum occupancy of 45 persons at any

time the school is in operation, inclusive of students, staff, instructors, employees and guests, pursuant to Hialeah Code §98-181(2)i, on property zoned C-2 (Liberal Retail Commercial District). **Property located at 5090 West 12 Avenue, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. *(Applicant: G & D Properties LLC – Gladys Martinez; Registered Lobbyist: Jorge Lastayo)*

Item was approved by the Planning and Zoning Board on October 22, 2014 with the condition that the maximum occupancy be limited to 45 persons.

FINAL DECISIONS

FD 1. Proposed resolution approving the Final Decision of the Planning and Zoning Board, Decision No. 14-13 that granted adjustments on property located at **1200 West 80 Street, Hialeah, Florida**; and providing for an effective date. *(Applicant: Diana Padin & Luis R. Santana)*

Approved by the Planning and Zoning Board on September 24, 2014.

NEXT CITY COUNCIL MEETING: Thursday, November 13, 2014 at 7:00 P.M.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: November 25, 2014 at 6:30 p.m.

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).